

## Veterinary Medical Examining Board

## TITLE 3. AGRICULTURE

## CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

(Authority: A.R.S. § 32-2201 et seq.)

**Editor's Note:** This Chapter contains rules which were adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6, Articles 2, 3, 4, and 5) as specified in Laws 1989, Ch. 223, § 13. Exemption from A.R.S. Title 41, Chapter 6 means that the Veterinary Medical Examining Board did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Veterinary Medical Examining Board did not submit these rules to the Governor's Regulatory Review Council; the Veterinary Medical Examining Board was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper. The rules affected by this exemption appear throughout this Chapter.

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## ARTICLE 1. GENERAL PROVISIONS

**Editor's Note:** The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.

## R3-11-101. Definitions

The following definitions apply to this Chapter unless otherwise specified:

1. "Animal owner" means an individual who has all or part of the lawful right to an animal or an individual designated by the animal owner to act on the animal owner's behalf.
2. "Compartment" means an enclosure provided for the containment of an animal.

3. "Continuing education" means completing or presenting a workshop, seminar, lecture, conference, class, or instruction related to the practice of veterinary medicine.
4. "Controlled substance" means the same as the definition in A.R.S. § 32-2201.
5. "Credit hour" means 1 clock hour of participation in continuing education.
6. "Direction, supervision, and control" means:
  - a. Pertaining to veterinary technicians, the written or oral instructions of a veterinarian responsible for an animal.
  - b. Pertaining to temporary permittees, the same as direct and personal instruction, control, or supervision as stated in A.R.S. § 32-2216(B).
7. "Disciplinary action" means a proceeding brought by the Board under A.R.S. § 32-2201 et seq, Article 9 of these rules, or a state licensing agency or board.
8. "Dispense" means the same as the definition in A.R.S. § 32-2281(E).
9. "Hours of operation" means the specific time during which a licensed veterinary medical premises is open to the public for business.
10. "Housed" means an animal is maintained in a compartment.
11. "Livestock" means the same as the definition of livestock and ratites in A.R.S. § 3-1201(5).
12. "Medication" means an over-the-counter drug defined in A.R.S. § 32-1901, prescription-only drug, prescription-only device defined in A.R.S. § 32-1901, or controlled substance.
13. "Mobile clinic" means a self-contained trailer, van, or mobile home not attached to the ground designed to function as a self-contained clinic.
14. "Mobile unit" means a vehicle from which out-patient veterinary medical services are delivered to temporary sites and that is not designed to function as a self-contained clinic.
15. "Over-the-counter drug" means the same as the definition in A.R.S. § 32-1901.
16. "Party" means the same as the definition in A.R.S. § 41-1001.
17. "Personnel" means any individual, licensed by the Board or unlicensed, who works on a veterinary medical premises.
18. "Physical plant" means a building housing a veterinary medical premise or a licensed area within a building, including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.
19. "Prescription-only drug" means the same as the definition in A.R.S. § 32-1901.
20. "Responsible veterinarian" means the same as in A.R.S. § 32-2201.
21. "Sanitize" means to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.
22. "Veterinary medical premise" means a physical plant licensed by the Board on which veterinary medical services will be performed.
23. "Veterinary medical services" means the acts listed in A.R.S. § 32-2201(16).

#### Historical Note

Former Rule 2; Former Section R3-11-02 repealed, new Section R3-11-02 adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-02 renumbered as Section R3-11-102 and amended by adding subsections (C) and (D) effective February 24, 1988 (Supp. 88-1).

Former Section R3-11-101 renumbered to R3-11-102, new Section R3-11-101 renumbered from R3-11-102 and amended effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

*Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

#### R3-11-102. Board Meetings

- A. The Board shall hold its annual meeting in June of each year. The Board shall make the date, time, and place of an annual meeting available to the public at least 20 days before the date of the annual meeting.
- B. The Chair shall set a special meeting of the Board and instruct the executive director of the Board to notify each Board member of the special meeting date, time, and place at least 5 days before the special meeting date.

#### Historical Note

Former Rule 1; Former Section R3-11-01 repealed, new Section R3-11-01 adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-01 renumbered without change as Section R3-11-101 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-102 renumbered to R3-11-101, new Section R3-11-102 renumbered from R3-11-101 and amended effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

#### R3-11-103. Renewal of Veterinary License

- A. According to A.R.S. § 32-2218, a license issued under the provisions of A.R.S. § 32-2201 et seq. expires on December 31 of every even-numbered year unless renewed.
- B. A licensee shall meet the continuing education requirements of Article 4 of these rules as a condition of renewal of a license.
- C. No later than February 1 of every odd-numbered year, a licensee shall submit to the Board:
  1. A renewal form, provided by the Board, that is signed and dated by the licensee and contains:
    - a. The licensee's name, social security number, residence and practice addresses, location of veterinary practice, and telephone number; and
    - b. Current information concerning the license status, including whether any disciplinary action has been taken by or is pending before the Board;
  2. The renewal fee required by the Board; and
  3. A list of continuing education completed by the licensee that meets the requirements in Article 4 of these rules.
- D. If a licensee fails to submit a license renewal form, renewal fee, or list of continuing education by February 1 of every odd-numbered year, the licensee shall immediately stop engaging in the practice of veterinary medicine until the licensee complies with the requirements in A.R.S. § 32-2218 and these rules.
- E. Continued veterinary practice by a licensee who fails to comply with continuing education requirements or fails to submit a renewal application or fee shall constitute "probable cause" of criminal violations of A.R.S. § 32-2238(A)(4) for purposes of referral to the County Attorney's Office or the Office of the Attorney General for criminal prosecution, injunctive relief, or any other action provided by law.

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**Historical Note**

Former Rule 3; Former Section R3-11-03 repealed, new Section R3-11-03 adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-03 repealed, new Section R3-11-03 adopted effective November 18, 1982 (Supp. 82-6). Former Section R3-11-03 renumbered without change as Section R3-11-103 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-104. Premise License**

The veterinary medical premise license shall be maintained in the premise for which it is issued.

**Historical Note**

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-04 amended and renumbered as Section R3-11-104 effective February 24, 1988 (Supp. 88-1).

*Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules. These rules were subsequently amended under the regular rulemaking process.*

**R3-11-105. Fees****A. Veterinarian fees are as follows:**

1. Regular license application and state examination - \$400.00
2. Specialty or endorsement application and state examination - \$750.00
3. National board examination, application only - \$225.00
4. Clinical competency test, application only - \$200.00
5. Regular license application, national board examination, clinical competency examination application, and state examination - \$400.00
6. License issued in odd-numbered year - \$200.00
7. License issued in even-numbered year - \$100.00
8. License renewal - \$350.00
9. Reinstatement penalty - \$50.00
10. Duplicate license - \$25.00
11. Temporary permit - \$75.00
12. Verification licensure fee - \$15.00

**B. Veterinary technician fees are as follows:**

1. Application and examination - \$150.00
2. Certificate issued in odd-numbered year - \$30.00
3. Certificate issued in even-numbered year - \$15.00
4. Certificate renewal - \$50.00
5. Delinquency penalty - \$25.00
6. Duplicate certificate - \$20.00

**C. Veterinary medical premises fees are as follows:**

1. License issued in odd-numbered year - \$100.00
2. License issued in even-numbered year - \$50.00
3. License renewal - \$75.00
4. Duplicate license - \$20.00
5. Penalty fee under A.R.S. § 32-2272(E) - \$100.00

**D. Fees for the duplication or copying of public records under A.R.S. § 39-121.03 are nonrefundable and are as follows:**

1. Noncommercial and commercial copy - \$.25 per page
2. Copying requiring more than 15 minutes - \$5.00 for each 15-minute interval exceeding 15 minutes
3. Directories for noncommercial use - \$.05 per name and address

4. Directories for noncommercial use printed on labels - \$.10 per name and address
  5. Directories for commercial use - \$.25 per name and address
  6. Directories for commercial use printed on labels - \$.30 per name and address
  7. A directory in (3), (4), (5), or (6) issued on a diskette - \$5.00 and the applicable name and address fee
- E.** During the pendency of a complaint, the Board shall not charge the veterinarian who is the subject of the complaint or the individual who has filed the complaint, for duplication of public records regarding the complaint.
- F.** The Board shall charge \$5.00 per copy of the veterinary statutes and rules. A licensee may obtain 1 free copy of the veterinary statutes and rules each renewal period.
- G.** The Board shall charge \$10.00 for each audio tape recording.
- H.** The Board shall waive any of the charges in subsection (D) for charitable organizations and government entities.

**Historical Note**

Former Rule 4; Former Section R3-11-04 repealed, new Section R3-11-04 adopted effective March 23, 1979 (Supp. 79-2). Amended effective February 12, 1980 (Supp. 80-1). Former Section R3-11-04 repealed, new Section R3-11-04 adopted effective Amended effective February 24, 1988 (Supp. 88-1). November 18, 1982 (Supp. 82-6). Renumbered as Section R3-11-05 effective April 26, 1984 (Supp. 84-2). Amended effective November 27, 1984 (Supp. 84-6). Former Section R3-11-05 amended and renumbered as Section R3-11-105 effective February 24, 1988 (Supp. 88-1). Amended subsection (B)(1) effective May 15, 1989 (Supp. 89-2). Amended effective August 31, 1995 (Supp. 95-3). Amended effective December 11, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-106. Reserved****R3-11-107. Residence and Practice Address**

- A.** Within 20 days after the issuance of a license, a licensee shall provide written notice to the Board of all residence and practice addresses.
- B.** A licensee shall provide written notice to the Board within 20 days after a change of residence or practice address.

**Historical Note**

Section R3-11-07 adopted and renumbered as Section R3-11-107 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-108. Time-frames for Licensure, Certification, and Permit Approvals**

- A.** In addition to the definitions in R3-11-101, the following definitions apply to this Chapter unless otherwise specified:
1. "Administrative completeness review" means the Board's process for determining that an individual has provided all of the information and documents required by A.R.S. §§ 32-2201 through 32-2281 and this Chapter for an application.
  2. "Applicant" means an individual requesting a certificate, permit, or license from the Board.
  3. "Application packet" means the fees, forms, documents, and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.
  4. "Days" means calendar days.

- B.** The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The overall time-frame and the substantive time-frame may not be extended by more than 25% of the overall time-frame.
- C.** The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
1. The administrative completeness review time-frame begins:
    - a. For approval to take a state, national, or clinical competency veterinary examination or veterinary technician examination, when the Board receives an application packet;
    - b. For approval or denial of a temporary permit, when the Board receives an application packet;
    - c. For approval or denial of a veterinary medical license when the applicant takes a state, national, or clinical competency veterinary examination required by A.R.S. § 32-2214;
    - d. For approval or denial of a veterinary technician certificate, when the applicant takes a veterinary technician examination required in A.R.S. § 32-2243; or
    - e. For approval or denial of a veterinary medical premises license, when the Board receives an application packet.
  2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
  3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
  4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- D.** The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of administrative completeness.
1. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
  2. The Board shall send a written notice approving the applicant to take an examination or granting a license to an applicant who meets the qualifications and requirements in A.R.S. § 32-2201 through 32-2281 and this Chapter.
  3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2201 through § 32-2281 and this Chapter.
- E.** The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:
1. Supply the missing information under subsection (C)(2) or (D)(1); or
  2. Take the state, national, or clinical competency veterinary examination or veterinary technician examination.
- F.** An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
- G.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day will be considered the time-frame's last day.

#### Historical Note

Adopted effective December 11, 1998 (Supp. 98-4).  
 Amended by final rulemaking at 6 A.A.R. 3918, effective  
 September 20, 2000 (Supp. 00-3).

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**Table 1. Time-frames (in days)**

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Veterinary Medical License by Examination (R3-11-201)	Approval to Take a National and Clinical Competency Examination	A.R.S. § 32-2214	60	15	45
Veterinary Medical License by Examination, Endorsement, or for a Specialty License (R3-11-201)	Approval to Take a State Examination	A.R.S. § 32-2214	60	15	45
Temporary Permittee (R3-11-301)	Temporary Permit	A.R.S. § 32-2216	30	15	15
Veterinary License by Examination, Endorsement, for a Specialty License, or Temporary Permittee (R3-11-201 & R3-11-301)	Veterinary License	A.R.S. § 32-2212 A.R.S. § 32-2213	60	15	45
Veterinary Technician (R3-11-606)	Approval to Take a Veterinary Technician Examination	A.R.S. § 32-2243	60	15	45
Veterinary Technician (R3-11-606)	Veterinary Technician Certificate	A.R.S. § 32-2242 A.R.S. § 32-2244	60	30	30
Veterinary Medical Premises (R3-11-707)	Veterinary Medical Premises License	A.R.S. § 2271 A.R.S. § 32-2272	90	30	60

**Historical Note**

Adopted effective December 11, 1998 (Supp. 98-4).

**R3-11-109. Office of the Ombudsman-Citizens Aide**

Upon request, the Board shall provide the name, address, and telephone number of the ombudsman-citizens aide.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE**

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**R3-11-201. Application for a Veterinary Medical License**

- A. An applicant for a veterinary medical license shall submit an application packet to the Board that contains:
1. A notarized application form signed by the applicant that contains the information set forth in A.R.S. § 32-2213;
  2. The documents required in R3-11-203; and
  3. The applicable fees, payable by certified check or money order:
    - a. If applying for a regular license, the applicant shall submit the application and examination fee required in R3-11-105.
    - b. If applying for a license by endorsement under A.R.S. § 32-2215(C) or a specialty license under

A.R.S. § 2215(D), the applicant shall submit the application and examination fee, and the license issuance fee required in R3-11-105.

- B. Unless waived by A.R.S. § 32-2215(D), an applicant shall arrange to have an official transcript of the applicant's scores from the national board examination and clinical competency examination sent directly to the Board office by the professional examination service preparing the examination.
- C. If an applicant has passed the national and clinical competency examinations and is required to take only the state examination, the applicant shall submit the application no later than 30 days before the date the applicant intends to take the state examination.
- D. If an applicant is required to take the national, clinical competency, and state examinations, the applicant shall submit the application no later than 60 days before the date the applicant intends to take the examinations.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-20 rennumbered without change as Section R3-11-201 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted effective December 11, 1998 (Supp. 98-4).

**R3-11-202. Repealed****Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-21 amended and renumbered as Section R3-11-202 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Section repealed by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

tive September 20, 2000 (Supp. 00-3).

### **R3-11-203. Information Required for Examination Qualification**

- A.** An applicant who is a veterinary student at the time of application shall submit with the application a letter from the office of the dean of the veterinary college stating that the applicant is expected to graduate within 45 days following the scheduled board examination. An applicant who is not a veterinary student at the time of application shall cause a transcript verifying receipt of the degree of doctor of veterinary medicine to be mailed from the college directly to the Board.
- B.** At the time of application, the applicant shall cause letters of character reference to be sent directly to the Board by three persons who are not related to the applicant and who have known the applicant for at least three years.
- C.** At the time of application, an applicant who has experience in the field of veterinary medicine as a practicing veterinarian or as an employee of a licensed veterinarian shall cause a letter from a veterinarian or colleague indicating the professional qualifications and character of the applicant to be sent directly to the Board.
- D.** Any applicant who has been or is at the time of application a licensed veterinarian in another state shall cause each state board that has licensed the applicant to send directly to the Arizona Board a letter indicating the applicant's standing, including whether the applicant is currently under investigation or ever has been disciplined for violation of a veterinary medical practice act.
- E.** An applicant who has successfully passed the National Board Examination and the Clinical Competency Test within five calendar years preceding application for examination in Arizona shall request that a transcript of the scores be forwarded to the Board directly from the Professional Examination Service.
- F.** At the time of application, an applicant shall submit to the Board a photograph of the applicant that was taken during the preceding six months.
- G.** At the time of application, an applicant shall submit to the Board a typewritten letter or resume summarizing the applicant's experience and qualifications.

#### **Historical Note**

Adopted effective August 31, 1995 (Supp. 95-3).

### **ARTICLE 3. TEMPORARY PERMITTEES**

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### **R3-11-301. Application For a Temporary Permit**

- A.** An applicant for a temporary permit shall:
  1. Submit an application to the Board for licensure as required in R3-11-201(A)(1);
  2. Submit the application and examination fee and temporary permit fee, payable by certified check or money order, required in R3-11-105 to the Board;
  3. Schedule a date to take the state examination with the Board;

4. After complying with subsections (A)(1) through (3), submit all of the following to the Board:
  - a. A written request for a temporary permit, signed by the applicant, that states:
    - i. The name and business address of the licensed veterinarian who will employ the applicant; and
    - ii. The name of each licensed veterinarian who will provide direction, supervision, and control of the applicant;
  - b. Written documentation of graduation from a veterinary college; and
  - c. A sworn affidavit, signed by the applicant, stating the applicant:
    - i. Has graduated from a veterinary college;
    - ii. Has read and understands A.R.S. § 32-2216 and R3-11-301;
    - iii. Agrees to work under the direction, supervision, and control of the licensed veterinarian employing the applicant; and
    - iv. Agrees to notify the Board in writing within 10 days from the date of termination of employment.
- B.** A licensed veterinarian employing an applicant for a temporary permit shall submit to the Board:
  1. A letter detailing:
    - a. The type of work to be conducted by the applicant;
    - b. The name of each licensed veterinarian who will assume direction, supervision, and control when the employing veterinarian is absent; and
    - c. The procedures, including frequency, for reviewing medical treatment and records of medical treatment of animals;
  2. A sworn affidavit, signed by the veterinarian, stating the veterinarian:
    - a. Is currently practicing veterinary medicine in Arizona;
    - b. Has read and understands A.R.S. § 32-2216 and A.A.C. R3-11-301;
    - c. Accepts full responsibility for providing direction, supervision, and control to the applicant; and
    - d. Agrees to notify the Board in writing within 10 days from the date of termination of applicant's employment.

#### **Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-30 rennumbered without change as Section R3-11-301 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted effective December 11, 1998 (Supp. 98-4).

### **R3-11-302. Termination of Employment**

A temporary permittee and the temporary permittee's employer shall notify the Board in writing within 10 days from the date the temporary permittee ceases to be employed by a veterinarian who is providing direction, supervision, and control.

#### **Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-31 rennumbered without change as Section R3-11-302 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Adopted effective December 11, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

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**R3-11-303. Multiple Employment**

A temporary permittee working under the direction, supervision, and control of more than 1 licensed veterinarian shall notify the Board within 24 hours of a change in a supervising veterinarian.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-32 renumbered without change as Section R3-11-303 effective February 24, 1988 (Supp. 88-1). Adopted effective December 11, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-304. Extension of Temporary Permits**

The Board shall extend a temporary permit as allowed by A.R.S. § 32-2216(B), only if the temporary permittee submits the application required by R3-11-301, qualifies under A.R.S. § 32-2216(B) and this Article, and is scheduled to take the next state examination following a failed state examination.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-33 renumbered without change as Section R3-11-304 effective February 24, 1988 (Supp. 88-1). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-305. “Good and Sufficient Reason” for Failure to Take a State Examination**

For purposes of A.R.S. § 32-2216(B), the Board shall consider the following in determining whether “good and sufficient reason” exists for failure to take a state examination:

1. Illness or disability,
2. Military service, or
3. Any other circumstance demonstrated by the temporary permittee to be beyond the temporary permittee’s control.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-34 renumbered without change as Section R3-11-305 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS****R3-11-401. Continuing Education**

- A. During the two-year period preceding license expiration, each applicant for license renewal shall have completed 20 credit hours of Board approved courses or programs relating to the practice of veterinary medicine. A maximum of two hours may be in practice management and no more than five hours may be noncontact education, of which two hours may be by tapes.
- B. Licensees receiving an initial license in an even-numbered year are required to earn ten credit hours of continuing education prior to their initial renewal date. Thereafter, they are subject to the requirements of subsection (A) of this rule.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-40 repealed, new Section R3-11-40 adopted effective November 18, 1982 (Supp. 82-6). Former Section R3-11-40 renumbered as Section R3-11-401 and subsection (A) amended effective February 24, 1988 (Supp. 88-1).

**R3-11-402. Approval of Continuing Education**

The following continuing education is approved by the Board:

1. Continuing education taught in schools of veterinary medicine; or
2. Continuing education sponsored by the Arizona Veterinary Medical Association, American Association of Veterinary State Boards, or a state or national veterinary association or academy approved by the Board.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-41 renumbered without change as Section R3-11-402 effective February 24, 1988 (Supp. 88-1). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

*Editor’s Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor’s Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R3-11-403. Documentation of Attendance**

Except as provided in R3-11-401(B) and (C), a licensee shall submit a renewal application that is accompanied by a list of the required number of credit hours of approved continuing education.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-42 repealed, new Section R3-11-42 adopted effective November 18, 1982 (Supp. 82-6). Former Section R3-11-42 renumbered without change as Section R3-11-403 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-404. Repealed****Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-43 renumbered without change as Section R3-11-404 effective February 24, 1988 (Supp. 88-1). Section repealed by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-405. Waiver**

- A. A licensee seeking a waiver from the continuing educational requirements in this Article shall submit a written request to the Board that contains the licensee’s name, reason for the request, and an explanation of the reason for the request. The Board shall comply with the time-frames in R3-11-108 when granting or denying the request for a waiver.
- B. The Board shall consider the following in determining whether to grant a waiver from the continuing education requirements in this Article:
  1. Illness or disability,
  2. Military service or absence from the United States, or
  3. Any other circumstance demonstrated by the licensee to be beyond the licensee’s control.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Amended effective November 18, 1982 (Supp. 82-6). Former Section R3-11-44 renumbered without change as Section R3-11-405 effective February 24, 1988 (Supp. 88-1). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**ARTICLE 5. STANDARDS OF PRACTICE****R3-11-501. Ethical Standards**

According to A.R.S. § 32-2232(A)(12), a veterinarian practicing under a license or permit shall practice according to the following standards of professional ethics based on the Principles of Veterinary Medical Ethics of the American Veterinary Association, published by the American Veterinary Medical Association in 1999. The breach of any of the following standards constitutes grounds for disciplinary action against a veterinary license or permit under A.R.S. §§ 32-2233 and 32-2234.

1. A veterinarian shall strive to show respect for the veterinarian's colleagues, the owner of an animal to whom veterinary medical services are being provided, and the public through courteous verbal or written interchange, considerate treatment, professional appearance, professionally acceptable procedures, and the utilization of current professional and scientific knowledge.
2. A veterinarian shall not slander or injure the professional standing or reputation of another member of the profession or condemn the character of that individual's professional acts in a false or misleading manner.
3. A veterinarian shall offer or seek a consultation or a referral whenever it appears that the quality of veterinary medical service provided by the veterinarian will be enhanced.
4. When a veterinarian agrees to provide veterinary medical services to an animal, the veterinarian shall comply with the standards of practice in R3-11-502 regardless of the fees charged.
5. A responsible veterinarian employed by a partnership, corporation, or individual, that is not licensed by the Board shall ensure that the veterinary judgment and responsibility of each veterinarian employed by the partnership, corporation, or individual is neither influenced nor controlled by the partnership, corporation, or individual to the detriment of the animal.
6. A veterinarian shall ensure that emergency services are consistent with A.R.S. § 32-2201 through § 32-2281, this Chapter, and the needs and standards of the locality where the emergency medical services are provided.
7. A veterinarian is free to choose whom the veterinarian will serve within the limits of the law. A veterinarian who agrees to provide veterinary medical services to an animal is responsible for the welfare of the animal until the animal is released, referred, or discharged by the veterinarian or the veterinarian is dismissed by the animal owner.
8. A veterinarian shall provide records or copies of records of veterinary medical services, including copies of radiographs, to an animal owner or other licensed veterinarian currently providing veterinary medical services within 10 working days from the date of the animal owner's or other licensed veterinarian's request, or in less than 10 working days if the animal's medical condition requires;
9. A veterinarian shall not make a false statement on or alter any document, record, or report concerning treatment of an animal.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2).

Amended effective November 18, 1982 (Supp. 82-6).

Former Section R3-11-50 renumbered without change as Section R3-11-501 effective February 24, 1988 (Supp. 88-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-502. Standards of Practice**

- A. Before providing veterinary medical services or housing an animal, a responsible veterinarian shall ensure that the animal owner is provided a written notice that states whether personnel will be present on the veterinary medical premises for 24-hour observation of the animal.
- B. Before providing veterinary medical services, a veterinarian shall ensure that the animal owner is provided an estimate of the cost for the veterinary medical services, except in the case of livestock.
- C. Before an animal is discharged, a veterinarian shall ensure that the animal owner is provided with instructions detailing the care of the animal after discharge.
- D. Before euthanizing an animal for which the animal owner is known, a veterinarian shall obtain written authorization from the animal owner or verbal authorization from the animal owner that is witnessed by 1 other individual.
- E. A veterinarian shall separate an animal with a suspected or diagnosed contagious disease or illness so that neither the animal nor the interior of the animal's compartment comes into contact with another animal or the other animal's compartment.
- F. If general anesthesia is administered or surgery is performed on an animal by a veterinarian, the veterinarian shall ensure:
  1. Authorization to perform surgery is obtained from the animal owner if the animal owner is known, before surgery is performed;
  2. The animal owner is provided the notifications stated in R3-11-502(A) and (B) before anesthesia is administered or surgery is performed;
  3. Within 6 hours before anesthesia is administered or surgery is performed, the animal is examined and the animal's temperature, heart rate, respiratory rate, diagnosis, and general condition are recorded in the animal's medical record;
  4. Expired supplies are not used;
  5. The animal's heart rate and respiratory rate are recorded in the animal's medical record immediately after giving the animal a general anesthetic and monitored and recorded a minimum of every 15 minutes while anesthesia is being administered;
  6. After the animal is given a general anesthetic, the animal is continuously observed by personnel until the animal is extubated and able to swallow; and
  7. For 3 years from the date of the administration of an anesthesia, a written anesthetic log is maintained on the veterinary medical premises that includes:
    - a. The animal's name and species,
    - b. The name of the animal owner,
    - c. The date of administration of the anesthesia,
    - d. The recovery status of the animal, and
    - e. The name of the veterinarian administering the anesthesia.
- G. A veterinarian shall follow manufacturer's label requirements for the storage and handling of biologics, veterinary supplies, and veterinary medications.
- H. A veterinarian who dispenses prescription-only-drugs shall:
  1. Comply with all federal and state laws including A.A.C. Title 3, Chapter 11, Article 8, regarding the dispensing of prescription-only-drugs; and
  2. Ensure that a prescription-only-drug or prescription-only device is destroyed or returned to the manufacturer or distributor no later than 30 days from its expiration date;
- I. A veterinarian who dispenses controlled substances shall:
  1. Comply with all federal and state laws including A.A.C. Title 3, Chapter 11, Article 8; and



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2. Maintain an inventory record on the veterinary medical premises for 2 years from the date of entry of each controlled substance purchased by the veterinarian that contains the:
  - a. Name of the controlled substance,
  - b. Strength of the controlled substance,
  - c. Date the controlled substance was received by the veterinarian,
  - d. Amount of the controlled substance received by the veterinarian,
  - e. Name of the distributor of the controlled substance, and
  - f. Invoice number.
3. Maintain a dispensing log on the veterinary medical premises, separate from the inventory record for 2 years from the date of entry that contains for each controlled substance dispensed the:
  - a. Name of the controlled substance,
  - b. Strength of the controlled substance,
  - c. Amount of the controlled substance,
  - d. Name of the animal to whom dispensed,
  - e. Name of the animal owner,
  - f. Date dispensed, and
  - g. Name of the veterinarian who dispensed the drug.

- J.** For 3 years from the last date an animal receives veterinary medical services, a veterinarian shall maintain a written medical record on the veterinary medical premises containing the:
1. Name, address, and telephone number of the animal owner;
  2. Description, sex, breed, weight, and age of the animal;
  3. Date of veterinary medical services;
  4. Results of examination, including temperature, heart rate, respiratory rate, diagnosis, and general condition of the animal, except for livestock;
  5. Treatment provided to the animal;
  6. Name of each medication administered including dosage, amount, and frequency;
  7. Name of each medication prescribed including dosage, amount, and frequency;
  8. Name and result of each diagnostic and laboratory test conducted;
  9. Signature or initials of each individual placing an entry in the medical record; and
  10. Signature or initials of the veterinarian performing the veterinary medical services.
- K.** A veterinarian shall ensure that a radiograph of an animal is permanently labeled with the following information and maintained on the veterinary medical premises for 3 years from the last date an animal receives veterinary medical services:
1. The name of the animal owner,
  2. The name of the animal,
  3. The date the radiograph was taken,
  4. The name of the veterinarian or veterinary medical premises, and
  5. The anatomical orientation.

**Historical Note**

Adopted effective February 24, 1988 (Supp. 88-1). Section R3-11-51 adopted and renumbered as Section R3-11-502 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-503. Repealed****Historical Note**

Adopted effective April 26, 1984 (Supp. 84-2). Former

Section R3-11-52 renumbered as Section R3-11-503 and subsections (B) and (D) amended effective February 24, 1988 (Supp. 88-1). Section repealed by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**ARTICLE 6. VETERINARY TECHNICIANS****R3-11-601. Definition**

For the purposes of this Article "veterinary technician" means a person who:

1. Is employed by and works under the direction, supervision, and control of an Arizona licensed veterinarian;
2. Performs acts requiring judgment based on education or experience, knowledge, and application of the principles of animal technology in the care or maintenance of the health or the prevention of illness of animals;
3. Has passed a national and a state veterinary technician examination; and
4. Is not licensed by the Board to practice veterinary medicine.

**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-60 renumbered without change as Section R3-11-601 effective February 24, 1988 (Supp. 88-1). Section repealed; new Section adopted effective December 11, 1998 (Supp. 98-4).

**R3-11-602. Repealed****Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-61 renumbered without change as Section R3-11-602 effective February 24, 1988 (Supp. 88-1). Repealed effective August 31, 1995 (Supp. 95-3).

**R3-11-603. Examination Committee**

The Board may appoint a committee of Arizona licensed veterinarians and certified veterinary technicians to assist the Board to prepare and administer examinations of applicants for veterinary technician certificates. An examination recommended by the examination committee is subject to the approval of the Board.

**Historical Note**

Adopted effective February 12, 1980 (Supp. 80-1). Former Section R3-11-62 renumbered without change as Section R3-11-603 effective February 24, 1988 (Supp. 88-1). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

*Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R3-11-604. Examinations**

- A.** The Board shall hold a veterinary technician examination at least once a year. A minimum of 20 days before the examination, the Board shall send an applicant a written notice of the date, time, and place of the examination.
- B.** An applicant shall pass a national veterinary technician examination and an Arizona veterinary technician examination with a score of at least 70% on each examination before being certified by the Board.
- C.** If an applicant has passed either a national veterinary technician examination or an Arizona veterinary technician exami-

nation within 5 years before the date of the application, the applicant is not required to retake the examination that was passed.

#### Historical Note

Adopted effective March 23, 1979 (Supp. 79-2).  
Amended effective November 18, 1982 (Supp. 82-6).  
Former Section R3-11-63 renumbered without change as Section R3-11-604 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).  
Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

#### R3-11-605. Certified Veterinary Technician Services

- A. Except as provided in subsection (B), a certified veterinary technician may perform the tasks delegated by a licensed veterinarian while under the direction, supervision, and control of the licensed veterinarian.
- B. A certified veterinary technician shall not:
  1. Perform surgery,
  2. Diagnose,
  3. Prescribe a medication, or
  4. Provide a prognosis.

#### Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-64 renumbered without change as Section R3-11-605 effective February 24, 1988 (Supp. 88-1).  
Amended effective August 31, 1995 (Supp. 95-3).  
Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

#### R3-11-606. Application for a Veterinary Technician Certificate

No earlier than January 1 and no later than 65 days before an examination date, an applicant for a veterinary technician certificate shall submit an application packet to the Board that contains:

1. A notarized application form, signed by the applicant, containing:
  - a. The applicant's name, mailing address, residence and business telephone numbers, and social security number;
  - b. The name of the veterinarian currently employing applicant;
  - c. The name and address of the veterinary premises where applicant is employed; and
  - d. A statement of whether application is being made on the basis of education or experience:
    - i. If application is based upon education, the applicant shall submit written documentation of graduation from a school that meets the requirements in A.R.S. § 32-2242(B)(1) with a curriculum in veterinary technology; or
    - ii. If application is based upon experience, the applicant shall submit the information required in subsections (A)(2) and (3);
2. The date of the applicant's national veterinary technician examination, if taken before submission of the application for certification. The applicant shall arrange to have an official transcript of the applicant's scores from the national veterinary technician examination sent directly to the Board office by the professional examination service preparing the examination;
3. A notarized letter, as required in A.R.S. § 32-2242, from each Arizona licensed veterinarian who employed the applicant during the 2 years the applicant served as a veterinary technician, verifying the employment, indicating

the length of employment, and recommending the applicant; and

4. A certified check or money order for the application and examination fee required in R3-11-105.

#### Historical Note

Adopted effective December 11, 1998 (Supp. 98-4).

*Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules. These rules were subsequently repealed and new Section adopted under the regular rulemaking process.*

#### R3-11-607. Renewal of Veterinary Technician Certificate

- A. A certified veterinary technician shall submit the renewal fee and information concerning current employment status, location of employment, and residence and practice addresses before February 1 of every odd-numbered year on a renewal application form provided and mailed to the certified veterinary technician by the Board.
- B. A certified veterinary technician who fails to submit the certificate renewal fee and required information before February 1 of every odd-numbered year shall forfeit all privileges and rights extended by the certificate. The veterinary technician shall immediately cease performing veterinary technician services until complying with the requirements of subsection (A) and paying the delinquency fee required in R3-11-105 in addition to the certificate renewal fee.

#### Historical Note

Adopted effective November 18, 1982 (Supp. 82-6).  
Amended subsection (C) effective November 27, 1984 (Supp. 84-6). Former Section R3-11-66 renumbered without change as Section R3-11-607 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted effective December 11, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

### ARTICLE 7. VETERINARY MEDICAL PREMISES AND EQUIPMENT

#### R3-11-701. General Veterinary Medical Premises Standards

A responsible veterinarian shall ensure that:

1. The physical plant of a veterinary medical premises conforms to state and local building and fire codes and local zoning requirements;
2. A veterinary medical premise's identification is visible to the public from the outside of its physical plant. The identification includes the hours of operation and shall be placed so that it is unobstructed from public view. If the hours of operation include hours after dusk, a means of illuminating the sign shall be provided and used during the hours of operation after dusk;
3. Floors, tables, countertops, sinks, and fixtures within the veterinary medical premises are made of nonporous materials that may be sanitized;
4. Water and a means of achieving water temperatures from 32°F to 212°F is provided on the veterinary medical premises;
5. Refrigerated storage space, large enough to contain all deceased animals except livestock, is provided on the vet-

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- erinary medical premises, pending necropsy and disposal pick-up;
6. Storage space is provided on the veterinary medical premises for biohazardous waste pending disposal pick-up; and
  7. If animals, other than livestock, will be housed on a veterinary medical premises, an individual compartment, equipped with a latch, for each animal housed on the veterinary medical premise is provided.

**Historical Note**

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-70 renumbered without change as Section R3-11-701 effective February 24, 1988 (Supp. 88-1). Section repealed, new Section R3-11-701 renumbered from R3-11-702 and amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-702. Equipment and Supplies**

A responsible veterinarian shall ensure that equipment and supplies are available on the veterinary medical premises of an adequate number and type to provide the veterinary medical services that are offered at the veterinary medical premises.

**Historical Note**

Section R3-11-71 adopted and renumbered as Section R3-11-702 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-702 renumbered to R3-11-701, new Section R3-11-702 adopted effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-703. Maintenance Standards for a Veterinary Medical Premises**

A responsible veterinarian shall ensure that:

1. All exits, corridors, and passageways inside and outside the veterinary medical premises are unobstructed at all times;
2. Combustible material such as paper, boxes, or rags are not allowed to accumulate inside or outside the veterinary medical premises;
3. Temperatures are maintained between 65°F and 90°F in each room where an animal, other than livestock, is treated or housed;
4. Floors, countertops, tables, sinks, and any other equipment or fixtures used in a veterinary medical premises are maintained in a clean condition and sanitized after contact with an animal or animal tissue; and
5. Animal compartments are cleaned and sanitized at least once every 24 hours when an animal, other than livestock, is being housed and after each animal, other than livestock, vacates the compartment.

**Historical Note**

Renumbered from R3-11-704 and amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-704. Surgical Equipment**

In addition to complying with the requirements in this Article, if surgery is performed on a veterinary medical premises, a responsible veterinarian shall ensure that the following is provided on the veterinary medical premises:

1. Caps, masks, and sterile gloves and gowns;
2. Sterile surgical packs, including:

- i. Drapes;
  - ii. Sponges; and
  - iii. Surgical instruments necessary to perform a surgical procedure;
3. An oxygen tank that contains oxygen sufficient for each animal to whom general anesthesia is administered;
  4. A means of administering anesthesia for each animal that will receive general anesthesia;
  5. A fixed or portable surgical light to illuminate the surgical site; and
  6. A light for use if the surgical light will not operate.

**Historical Note**

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-73 amended and renumbered as Section R3-11-704 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-704 renumbered to R3-11-703, new Section R3-11-704 renumbered from R3-11-705 and amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-705. Mobile Clinics**

- A. Except for R3-11-701(1), R3-11-701(2), R3-11-701(5), and R3-11-701(6) the application process and standards contained in this Article apply to mobile clinics.
- B. A responsible veterinarian shall provide a mobile clinic with:
  1. An electrical power source;
  2. Storage space for biohazardous waste pending disposal pick-up; and
  3. Storage space, separate from storage space in subsection (B)(2), for the transportation of a deceased animal.

**Historical Note**

Section R3-11-74 adopted and renumbered as Section R3-11-705 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-705 renumbered to R3-11-704, new Section R3-11-705 renumbered from R3-11-706 effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-706. Mobile Units**

A responsible veterinarian shall:

1. Ensure that controlled substances and prescription-only drugs are maintained accessible only to authorized personnel,
2. Meet manufacturer's label requirements for the storage and handling of biologics and veterinary supplies and medications requiring temperature control, and
3. Maintain sterile surgical supplies and equipment.

**Historical Note**

Section R3-11-75 adopted and renumbered as Section R3-11-706 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-706 renumbered to R3-11-705, new Section R3-11-706 renumbered from R3-11-707 and amended effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-707. Application for a Veterinary Medical Premises License**

An applicant for a veterinary medical premises license shall:

1. Submit the following to the Board:
  - a. A notarized application form, signed by the responsible veterinarian, that contains the information set forth in A.R.S. § 32-2272; and

- b. The fee required in R3-11-105, payable by certified check or money order; and
- 2. Pass an inspection conducted by the Board.

**Historical Note**

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-76 renumbered without change as Section R3-11-707 effective February 24, 1988 (Supp. 88-1). Renumbered to R3-11-706 effective August 31, 1995 (Supp. 95-3). New Section adopted effective December 11, 1998 (Supp. 98-4).

**ARTICLE 8. DRUG DISPENSING**

*Editor's Note: The following Section was adopted under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R3-11-801. Notification that Prescription-only Drugs or Controlled Substances May Be Available at a Pharmacy**

- A. A dispensing veterinarian shall notify an animal owner that some prescription-only drugs and controlled substances may be available at a pharmacy by:
  - 1. Stating the availability at or before the time of dispensing;
  - 2. Posting a written statement that is visible to the animal owner; or
  - 3. Providing the animal owner with written notification.
- B. A dispensing veterinarian may provide a written prescription to the animal owner if requested by an animal owner.

**Historical Note**

Adopted effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

*Editor's Note: The following Section was adopted under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R3-11-802. Labeling Requirements**

A veterinarian shall dispense a prescription-only drug or a controlled substance in a container bearing a legible label that sets forth all of the information in A.R.S. § 32-2281(A)(1), and the name and telephone number of the veterinary medical premises from which the prescription-only drug or controlled substance is dispensed.

**Historical Note**

Adopted effective August 31, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-803. Packaging Requirements**

- A. A veterinarian shall dispense 4 ounces or less of a prescription-only drug in a childproof container unless the animal owner waives this requirement.
- B. A veterinarian shall dispense a controlled substance in a childproof container.

- C. A veterinarian may dispense more than 4 ounces of a bulk prescription-only drug in a non-childproof container.
- D. A veterinarian may dispense a prescription-only products drug in the manufacturer's original dispensing package without repackaging the product prescription-only drug in a childproof container.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-804. Reserved****R3-11-805. Storage**

- A. A dispensing veterinarian shall store controlled substances under lock and key except for controlled substances that are authorized by a responsible veterinarian to be administered by personnel.
- B. A dispensing veterinarian shall store prescription-only drugs in an area to which members of the public are not allowed access unless accompanied by a veterinarian or a member of the veterinarian's staff.
- C. A dispensing veterinarian shall store prescription-only drugs and prescription-only devices shall be stored in compliance with state and federal laws and in compliance with the manufacturer's requirements.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-806. Reserved****R3-11-807. Dispensing a Controlled Substance or Prescription-only Drug**

- A. When dispensing a controlled substance:
  - 1. A dispensing veterinarian or personnel who are not veterinarians but who are authorized by a veterinarian may:
    - a. Select the controlled substance,
    - b. Count the quantity of the controlled substance, and
    - c. Place the controlled substance in a prescription container.
  - 2. Licensed or unlicensed personnel may:
    - a. Prepare labels,
    - b. Prepare drug containers for controlled substances, or
    - c. Record information required by state and federal laws.
  - 3. A dispensing veterinarian shall review the label of a repackaged controlled substance and the patient's medical record and ensure that the label complies with R3-11-502 and R3-11-502(J) and state and federal laws before the controlled substance is dispensed.
- B. When dispensing a prescription-only drug:
  - 1. A dispensing veterinarian or personnel who are not veterinarians but who are authorized by a veterinarian may:
    - a. Repackage prescription-only drugs,
    - b. Prepare labels,
    - c. Prepare containers for prescription-only drugs, or
    - d. Record information required by state or federal laws.
  - 2. The dispensing veterinarian authorizing the dispensing shall ensure that records are maintained according to R3-11-502(H) and R3-11-502(I) and all state and federal laws are followed.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**ARTICLE 9. INVESTIGATIONS AND HEARINGS****R3-11-901. Investigations of Alleged Violations**

- A.** A person may notify the Board of an alleged violation of A.R.S. §§ 32-2201 through 32-2281 and this Chapter. The Board also may initiate a complaint on its own motion.
- B.** The Board shall send a written notice of the complaint to the licensee. The licensee shall provide a written response and all relevant records or documents concerning the complaint if requested by the Board, no later than 15 days from the date of the notice.
- C.** The Board may request the complainant or the licensee to reply to any statements or documents the Board receives concerning a complaint. If the Board requests the complainant or licensee to provide the Board with additional information concerning a complaint, the complainant or the licensee shall respond in writing within 15 days from the date of the request.
- D.** The Board may request the complainant or the licensee to appear before the Board to assist in the Board's investigation.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-902. Informal Interview**

- A.** The Board shall conduct an informal interview under A.R.S. § 32-2234 as follows:
  - 1. The Board shall send a written notice of the informal interview to all parties by personal service or certified mail, return receipt requested, at least 20 days before the informal interview. The notice shall contain:
    - a. The time, place, and date of the informal interview;
    - b. An explanation of the informal nature of the informal interview;
    - c. A statement of the subject matter or issues involved;
    - d. The licensee's right to appear with or without counsel;
    - e. A notice that if a licensee or complainant fails to appear at the informal interview, the informal interview may be held in the licensee's or complainant's absence; and
    - f. The licensee's right to a formal hearing held according to A.R.S. § 32-2234.
  - 2. During the informal interview, the Board may:
    - a. Swear in the licensee and all witnesses;
    - b. Question the licensee and all witnesses; and
    - c. Deliberate.
  - 3. At the conclusion of the informal interview the Board may:
    - a. Order additional investigation;
    - b. Order another informal interview;
    - c. Dismiss the complaint;
    - d. Impose disciplinary sanctions authorized by A.R.S. § 32-2234 if a violation is found; or
    - e. Order a formal hearing on the complaint.
- B.** The Board shall issue written findings of fact, conclusions of law, and order of the Board no later than 60 days from the date of the conclusion of the informal interview.
- C.** A licensee or the Board may seek a Board rehearing or review of a Board decision as stated in A.A.C. R3-11-904 or A.R.S. § 41-1092.02.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-903. Formal Hearing**

- A.** If a formal hearing under A.R.S. § 32-2234 is to be held before an administrative law judge, the requirements in A.R.S. § 41-1092 through 41-1092.11 apply.
- B.** If a formal hearing under A.R.S. § 32-2234 is to be held directly before the Board, the following apply:
  - 1. The Board shall provide a written complaint and notice of formal hearing to a licensee at the licensee's last known address of record, by personal service or certified mail, return receipt requested at least 20 days before the date set for the formal hearing;
  - 2. A licensee served with a complaint and notice of hearing shall file an answer by the date specified in the notice of hearing admitting or denying the allegations in the complaint;
  - 3. A complaint and notice of hearing may be amended at any time. The Board shall send written notice of any changes in the complaint and notice of hearing to the licensee at least 20 days before a formal hearing;
  - 4. The licensee may appear at the formal hearing with or without the assistance of an attorney. If the licensee fails to appear, the Board may hold the formal hearing in the licensee's absence;
  - 5. The Board may conduct a formal hearing without adherence to the rules of procedure or rules of evidence used in civil proceedings. At the formal hearing the Board shall rule on the procedure to be followed and admissibility of evidence; and
  - 6. The Board shall send a written decision that includes written findings of fact, conclusions of law, and order of the Board to the licensee and all parties within 60 days after the formal hearing is concluded. A licensee or the Board may seek rehearing or review of the order according to A.A.C. R3-11-904 or A.R.S. § 41-1092.02.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

**R3-11-904. Rehearing or Review of Decisions**

- A.** Except as provided in subsection (F), a party who is aggrieved by a decision issued by the Board may file with the Board, not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the grounds for rehearing or review. For purposes of this Section, a decision is considered to have been served when personally delivered to the party's last known address or mailed by certified mail to the party or the party's attorney.
- B.** A party filing a motion for rehearing or review under this rule may amend the motion at any time before it is ruled upon by the Board. Other parties may file a response within 15 days after the date the motion for rehearing or review is filed. The Board may require that the parties file supplemental memoranda explaining the issues raised in the motion and may permit oral argument.
- C.** The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the party's rights:
  - 1. Irregularity in the proceedings of the Board or an abuse of discretion, which deprived the party of a fair hearing;
  - 2. Misconduct of the Board or its hearing officer or the prevailing party;
  - 3. Accident or surprise that could not have been prevented by ordinary prudence;
  - 4. Newly-discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;

5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
  7. That the findings of fact or decision is not supported by the evidence or is contrary to law.
- D.** The Board may affirm or modify its decision or grant a rehearing to any party on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
- E.** Not later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any of the reasons in subsection (C). An order granting a rehearing shall specify the grounds for the rehearing or review.
- F.** If the Board makes specific findings that the immediate effectiveness of a decision is necessary for the immediate preservation of public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, the aggrieved party shall make an application for judicial review of the decision within the time limits permitted for an application for judicial review of the Board's final decision at A.R.S. § 41-1092.02.
- G.** The Board shall rule on the motion for rehearing or review within 15 days after the response has been filed, or at the Board's next meeting after the motion is received, whichever is later. If a motion for rehearing or review is granted, the Board shall hold the rehearing or review with 120 days from the date the Board issues the order for rehearing or review.

#### Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).

#### **R3-11-905. Depositions, Issuance of Subpoenas, Service**

- A.** A party desiring to take the deposition of a witness who is unable to attend a hearing before the Board shall submit a request to take a deposition of an unavailable witness to the Board.

1. If the Board grants the request to take a deposition of an unavailable witness, the party may proceed to take the deposition of the witness by complying with the Arizona Rules of Civil Procedure.
  2. The Board may, in its discretion, designate the time and place before whom the deposition may be taken.
  3. The party requesting the deposition shall bear the expense of the deposition.
- B.** A subpoena may be issued as follows:
1. If a hearing is to be conducted by the Board, the Board may issue a subpoena for the attendance of a witness or the production of books, records, documents and other evidence according to A.R.S. § 32-2237(F).
    - a. The Board shall serve a subpoena on each party at least 10 days before the hearing date.
    - b. A party shall submit a written request for a subpoena with the Board. The party shall submit the request in the time necessary to allow compliance with subsection (B)(1)(a).
    - c. The party requesting service of a subpoena shall bear the expense of the service of the subpoena.
  2. If a hearing is to be conducted by an administrative law judge, a subpoena is issued by the Office of Administrative Hearings according to A.R.S. § 41-1092.02.
- C.** Service of any decision, order, notice, subpoena, or other process may be made personally in the same manner as provided for service of process in a civil action, or may be mailed by certified mail, postage prepaid, to the last address of record with the Board.
1. Personal service is effective on the date received. Service by certified mail is effective when deposited in the United States mail.
  2. Service upon an attorney for a party constitutes service upon the party.
  3. Proof of service may be made by the affidavit or oral testimony of the process server.

#### Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 3918, effective September 20, 2000 (Supp. 00-3).